

Inner City Press

February 17, 2025

By ECF, to all parties

Hon. Dale E. Ho, United States District Judge
Southern District of New York, 40 Foley Square, New York, NY 10007

Re: Press application to unseal the "Sealed Documents Placed in Vault" and all other withheld information in USA v. Eric Adams, 24-cr-556 (DEH)

Dear Judge Ho:

Inner City Press has been covering the above captioned case in which the Department of Justice on February 14, 2025 filed a motion seeking dismissal of all charges against NYC Mayor Eric Adams, "without prejudice."

On February 12, 2025 as Dkt No. 117 on PACER it was stated "SEALED DOCUMENT placed in vault." This is a second request to unseal this and all other sealed and/or redacted documents in this case, given the public interest - and/or initially, to have the filer(s) make a public argument for sealing under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006) - which states, "The common law right of public access to judicial documents is firmly rooted in our nation's history." In this case it is imperative there be access to the entire docket.

At a recent meeting of this Court's Media Access Committee it was suggested that such request should be made in writing to the District Judge, into the docket. But it would seem to be up to the Court to require a public filing under *Lugosch*, and/or to unseal as much of the submissions as possible.

Please docket this challenge to the sealings and redactions in this case, as SDNY Judges Hellerstein, Castel, Caproni, Furman and others have done. See, e.g., <https://storage.courtlistener.com/recap/gov.uscourts.nysd.516151/gov.uscourts.nysd.516151.85.0.pdf> .

If appropriate, PLEASE TAKE NOTICE that Inner City Press and its undersigned reporter, in personal capacity, will move this Court before Honorable Dale E. Ho, U.S. District Judge for the Southern District of New York, at a date and time directed by the Court, for entry of an order granting permission to be heard on sealing or unsealing of the "SEALED DOCUMENTS placed in vault" and all other sealed and/or redacted documents in this case.

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If deemed necessary, this now is a request to intervene, see *United States v. All Funds on Deposit at Wells Fargo Bank*, 643 F. Supp. 2d 577, 580 (S.D.N.Y. 2009)

This request is being submitted as Inner City Press did in *USA v. Bankman-Fried, et al.*, 22-cr-673 (LAK) at Dkt 31, granted by Judge Kaplan at Dkt 41 & 57.

Please act on this request, as soon as possible.

Thank you.

Respectfully submitted,

/s/

Matthew Russell Lee, Inner City Press

cc: derek.wikstrom@usdoj.gov, alexspiro@quinnmanuel.com

The Court is in receipt of the endorsed letter motion regarding a request to unseal ECF No. 117, a sealed *ex parte* Order dated February 12, 2025.

On January 29, 2025, the Court held a sealed, *ex parte* conference with defense counsel pursuant to Section 4 of the Classified Information Procedures Act ("CIPA"). *See* ECF No. 101. *Ex parte* proceedings with defense counsel are appropriate under Section 4 of CIPA so that a court can "obtain[] additional detail on [the] Defendant's anticipated merits defenses at trial," which a court can then use "when evaluating whether any information subject to the Government's CIPA Section 4 motion could be relevant and helpful to the defense." *United States v. Liu*, No. 19 Crim. 804, 2021 WL 3374535, at *1 (S.D.N.Y. Aug. 3, 2021). *See also United States v. Shestakov*, No. 23 Crim. 16, 2024 WL 5239040, at *2 (S.D.N.Y. Dec. 27, 2024) (describing "an *ex parte* conference with defense counsel regarding potential defense theories").

In light of the Court's dismissal with prejudice of the Indictment in this case, it is unclear to the Court whether ECF No. 117 should remain under seal. The parties are therefore directed to file a response, if any, to the application of the Inner City Press regarding continued sealing of ECF No. 117 **no later than April 17, 2025**. Any Opposition from a party may be filed in the form of a letter brief not to exceed 4 pages. If any Opposition is filed, the Inner City Press may file a Reply in the form of a letter brief not to exceed 2 pages, **no later than April 25, 2025**.

SO ORDERED.

Dated: April 3, 2025
New York, New York



Dale E. Ho
United States District Judge